

IN THE DISTRICT COURT OF THE UNITED STATES
for the Western District of New York

OCTOBER 2019 GRAND JURY
(Impaneled 10/18/2019)

THE UNITED STATES OF AMERICA

SUPERSEDING INDICTMENT
20-CR-89-V

-vs-

ROBERT FIELDS
(Count 1),
SYED AHMAD
(Count 1),
VINCENT LOPRESTI
(Count 1), and
FRANK VACANTI
(Counts 1-4)

Violations:

Title 21, United States Code,
Sections 841(a)(1), 846, 856(a)(1);
Title 18, United States Code,
Section 924(c)(1)(A)(i)
(4 Counts and 5 Forfeiture Allegations)

COUNT 1

(Conspiracy to Distribute Marijuana)

The Grand Jury Charges That:

Beginning in or about 2016 and continuing to on or about June 29, 2020, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendants, **ROBERT FIELDS, SYED AHMAD, VINCENT LOPRESTI, and FRANK VACANTI**, did knowingly, willfully, and unlawfully combine, conspire, and agree together and with others, known and unknown, to commit the following offenses, that is, to possess with intent to distribute, and to distribute, 1,000 kilograms or more of a mixture and substance containing

marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(A).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Maintaining a Drug-Involved Premises)

The Grand Jury Further Charges That:

Beginning on or about June 24, 2020, the exact date being unknown, and continuing to on or about June 29, 2020, in the Western District of New York, the defendant, **FRANK VACANTI**, did knowingly, intentionally, and unlawfully use and maintain a place, that is, the premises at 1390 East River Road, Grand Island, New York, for the purpose of manufacturing, distributing, and using marijuana and tetrahydrocannabinol (THC), Schedule I controlled substances; methamphetamine and cocaine, Scheduled II controlled substances; and ketamine, a Schedule III controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1).

COUNT 3

(Possession with Intent to Distribute Marijuana and Tetrahydrocannabinol)

The Grand Jury Further Charges That:

On or about June 29, 2020, in the Western District of New York, the defendant, **FRANK VACANTI**, did knowingly, intentionally, and unlawfully possess with intent to distribute marijuana and tetrahydrocannabinol (THC), Schedule I controlled substances.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT 4

(Possession of Firearms in Furtherance of Drug Trafficking)

The Grand Jury Further Charges That:

On or about June 29, 2020, in the Western District of New York, the defendant, **FRANK VACANTI**, in furtherance of drug trafficking crimes for which he may be prosecuted in a court of the United States, that is, violations of Title 21, United States Code, Sections 841(a)(1), 846, and 856(a)(1), as set forth in Counts 1, 2, and 3 of this Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess firearms.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

FIRST FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of the controlled substance offense alleged in Count 1 of this Superseding Indictment, the defendant, **ROBERT FIELDS**, shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of said violations and any and all property used, and intended to be used, in any manner or part, to commit or to facilitate the commission of said violations, including, but not limited to the following:

CURRENCY:

- a. The sum of approximately \$3,200 in United States currency, seized from Robert Fiels by law enforcement on or about June 29, 2020;
- b. The sum of approximately \$5,000 in United States currency, seized from Robert Fiels by law enforcement on or about June 29, 2020; and

MONEY ORDERS:

- a. Two (2) – five hundred dollar (\$500) money gram orders totaling \$1,000, seized from Robert Fiels by law enforcement on or about June 29, 2020.

MONETARY AMOUNT:

The sum of \$150,000 United States currency, which amount represents the gross proceeds that the defendant obtained, directly or indirectly, as a result of the offense described in Count 1 of this Superseding Indictment. In the event that sum is not available, then a money judgment for the same amount, which amount represents the total amount of proceeds that were obtained, directly or indirectly, as a result of the offense described in Count 1 will be entered against the defendant.

If the property described above, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Sections 853(a)(1), 853(a)(2), and 853(p).

SECOND FORFEITURE ALLEGATION

The Grand Jury Further Alleges That:

Upon conviction of the controlled substance offenses alleged in Counts 1 through 3 of this Superseding Indictment, or any one of them, the defendant, **FRANK VACANTI**, shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including, but not limited to the following:

CURRENCY:

- a. The sum of approximately \$1,014 in United States currency, seized from Frank Vacanti by law enforcement on or about June 29, 2020; and
- b. The sum of approximately \$1,182 in United States currency, seized from Frank Vacanti by law enforcement on or about June 29, 2020.

All pursuant to Title 21, United States Code, Sections 853(a)(1) and 853(a)(2).

THIRD FORFEITURE ALLEGATION

The Grand Jury Further Alleges That:

Upon conviction of the offense alleged in Count 1 of this Superseding Indictment, the defendant, **ROBERT FIELDS**, shall forfeit his right, title and interest to the United States of any ammunition involved or used in the commission of the offense, or found in the possession or under his immediate control at the time of arrest, including, but not limited to:

FIREARMS:

- a. One (1) Ruger LCP, .380 caliber pistol, bearing serial number 371318373 seized at 410 Lewis Street, Falls City, Oregon by law enforcement on or about June 29, 2020; and
- b. One (1) Maverick Arms, 12 gauge shotgun bearing serial number MV0436613 seized at 865 Tangent Street Apt 4, Lebanon, Oregon by law enforcement on or about June 29, 2020.

All pursuant to Title 18, Sections 924(d)(1) and 3665 and Title 28, United States Code, Section 2461(c).

FOURTH FORFEITURE ALLEGATION

The Grand Jury Further Alleges That:

Upon conviction of any count of this Superseding Indictment, the defendant, **FRANK VACANTI**, shall forfeit all his right, title, and interest to the United States of any firearms and ammunition involved and used in the commission of the offenses, or found in his possession or under his immediate control at the time of arrest, including, but not limited to:

FIREARMS/AMMUNITION:

- a. One (1) Browning Maxus, 12 gauge shotgun, bearing serial number 115ZT09654 seized from Frank Vacanti by law enforcement on or about June 29, 2020;
- b. One (1) Charles Daley Field II shotgun, bearing serial number 128457, seized from Frank Vacanti by law enforcement on or about June 29, 2020;
- c. One (1) Ithaca, model 600, 12 gauge shotgun, bearing serial number 614315 seized from Frank Vacanti by law enforcement on or about June 29, 2020;
- d. One (1) Squires Bingham, model 30 shotgun, bearing serial number 48084 seized from Frank Vacanti by law enforcement on or about June 29, 2020;
- e. One (1) Remington 1100, 12 gauge shotgun, bearing serial number L193363V seized from Frank Vacanti by law enforcement on or about June 29, 2020;

- f. 290 Winchester 12 gauge shotgun shells seized from Frank Vacanti by law enforcement on or about June 29, 2020;
- g. 139 Remington 28 gauge shotgun shells seized from Frank Vacanti by law enforcement on or about June 29, 2020;
- h. 56 Western 20 gauge shotgun shells seized from Frank Vacanti by law enforcement on or about June 29, 2020;
- i. 21 REM-UMC 16 gauge shotgun shells seized from Frank Vacanti by law enforcement on or about June 29, 2020; and
- j. 28 Remington 16 gauge shotgun shells seized from Frank Vacanti by law enforcement on or about June 29, 2020.

All pursuant to Title 18, Sections 924(d)(1) and 3665 and Title 28, United States Code, Section 2461(c).

FIFTH FORFEITURE ALLEGATION

The Grand Jury Further Alleges That:

Upon conviction of the controlled substance offense alleged in Count 1 of this Superseding Indictment, the defendant, **VINCENT LOPRESTI**, shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of said violation and any and all property used, and intended to be used, in any manner or part, to commit or to facilitate the commission of said violation, including, but not limited to the following:

MOTOR VEHICLE:

- a. One 2006 Porsche Cayman, VIN: WP0AB29846U783778, registered to and seized from Vincent Lopresti by law enforcement on or about July 1, 2020.

All pursuant to Title 21, United States Code, Sections 853(a)(1) and 853(a)(2).

DATED: Buffalo, New York, December 10, 2020.

JAMES P. KENNEDY, JR.
United States Attorney

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A TRUE BILL:

S/FOREPERSON